

EXHIBIT A

From: Gringer, David <David.Gringer@wilmerhale.com>
Sent: Wednesday, December 20, 2023 12:41 PM
To: David Copeland <dcopeland@gilbertlitigators.com>; Eagles, Thad <Thad.Eagles@wilmerhale.com>; Athanasia Karadjas <0000002bd5d5e51b-dmarc-request@LIST.WILMERHALE.COM>; 568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM <568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM>
Cc: 568 Litigation <568_Litigation@fnf.law>; 568_litigation@gilbertlitigators.com <568_Litigation@gilbertlitigators.com>; rlitan@bm.net <rlitan@bm.net>; ecramer@bm.net <ecramer@bm.net>
Subject: Re: Activity in Case 1:22-cv-00125 Henry et al v. Brown University et al sealed response

David,

We have already met and conferred numerous times on the underlying dispute. A motion for leave to file a response is not a motion subject to local rule 37.2.

David Gringer | WilmerHale

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From: David Copeland <dcopeland@gilbertlitigators.com>

Sent: Wednesday, December 20, 2023 11:42:46 AM

To: Gringer, David <David.Gringer@wilmerhale.com>; Eagles, Thad <Thad.Eagles@wilmerhale.com>; Athanasia Karadjas <0000002bd5d5e51b-dmarc-request@LIST.WILMERHALE.COM>; 568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM <568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM>

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Subject: Re: Activity in Case 1:22-cv-00125 Henry et al v. Brown University et al sealed response

EXTERNAL SENDER

David

Please cite your legal authority for your statement: "There is no meet and confer requirement for motions like this one."

Regards, David

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From: Gringer, David <David.Gringer@wilmerhale.com>

Date: Wednesday, December 20, 2023 at 11:29 AM

To: David Copeland <dcopeland@gilbertlitigators.com>, Eagles, Thad <Thad.Eagles@wilmerhale.com>, Athanasia Karadjas <0000002bd5d5e51b-dmarc-request@LIST.WILMERHALE.COM>, 568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM <568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM>

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Subject: Re: Activity in Case 1:22-cv-00125 Henry et al v. Brown University et al sealed response

Thanks David. There is no meet and confer requirement for motions like this one. The rest of your points were already discussed, considered by Penn, and we have decided that the record needs to be corrected by Penn.

As for your request related to non-objecting students, that is the subject of a pending motion to compel and we will follow the Court's order.

As for your request for new FERPA notices, we will consider it.

Sincerely,
David

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From: David Copeland <dcopeland@gilbertlitigators.com>
Sent: Wednesday, December 20, 2023 10:59:27 AM
To: Eagles, Thad <Thad.Eagles@wilmerhale.com>; Gringer, David <David.Gringer@wilmerhale.com>; Athanasia Karadjas <0000002bd5d5e51b_dmarc_request@LIST.WILMERHALE.COM>; 568GROUP_DEFS_SERVICE@LIST.WILMERHALE.COM <568GROUP_DEFS_SERVICE@LIST.WILMERHALE.COM>
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Subject: Re: Activity in Case 1:22 cv 00125 Henry et al v. Brown University et al sealed response

EXTERNAL SENDER

Dear Thad and David:

Plaintiffs respond to your 8:44 AM email is as follows:

1. Penn has threatened to file a motion on three hours' notice without even offering to meet and confer by phone, as LR 37.2 requires. Please state your availability to meet and confer this afternoon.
2. Penn's assertion that it needs "to move to file a short response" to Plaintiffs' Dec. 18 brief "given your baseless refusal to correct the misrepresentations in [their] brief" is factually incorrect. To the contrary, Plaintiffs offered to file a short pleading explaining the basis for the statements which Penn has challenged. See my 12/19 email to David Gringer (below on this thread). If Penn does file any motion, please make sure that email and this email are attached as exhibits.
3. Penn admits that FERPA notices were sent to the daughter of [REDACTED] and the son of [REDACTED]. See 10/27 email from David Gringer and 11/3 email from Arielle Herzberg. Although Penn counsel presumably knows whether those students filed

objections, our knowledge is limited because the names of the objecting students were redacted by court order before their letters were served on Plaintiffs' counsel. See Plaintiffs' Dec. 18 Br. at n.13. Under these circumstances, Plaintiffs "made the reasonable deduction" that the two Penn students named above were among the objecting students. (Id.). If that deduction was incorrect, then it means that those students **have not objected to the production by Penn of their FERPA-protected information**. If that is the case, then Plaintiffs request that Penn agree to the relief requested by Plaintiffs in their Amended and Renewed Motion as to Non-Objecting Students (ECF 539, 540) as to [REDACTED]

4. As stated in Plaintiffs' Dec. 18 Br. at n.22, Plaintiffs have reserved the right to request that Penn issue FERPA notices to [REDACTED] as well as [REDACTED]. See also Plaintiffs' Dec. 18 Br. at 6 n.10 (citing Plaintiffs' prior reservation of right to request additional FERPA notices). Plaintiffs now expressly make that request and ask that Penn confirm by 5:00 PM ET today whether it will send those notices by Friday, Dec. 22.

Regards, David

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From: Eagles, Thad <Thad.Eagles@wilmerhale.com>
Date: Wednesday, December 20, 2023 at 8:44 AM
To: Gringer, David <David.Gringer@wilmerhale.com>, David Copeland <dcopeland@gilbertlitigators.com>, Athanasia Karadjas <0000002bd5d5e51b-dmarc-request@LIST.WILMERHALE.COM>, 568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM <568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM>
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Subject: RE: Activity in Case 1:22-cv-00125 Henry et al v. Brown University et al sealed response

Counsel,

Given your baseless refusal to correct the misrepresentations in your brief—(1) that the families of objecting students gave substantial donations to Penn and (2) that students from two specifically identified families are among the objectors—Penn intends to move to file a short response. The response will make those factual corrections and explain that Plaintiffs' assertions about recent events

at Penn are both irrelevant and inappropriate. Please inform us of your position on that motion to file a response **by no later than 12 ET.**

Please also do let us know whether you intend to designate as confidential the portion of [REDACTED] which we redacted from the public version of our brief out of an abundance of caution.

Thank you,
Thad

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From: owner-568group-defs-service@list.wilmerhale.com <owner-568group-defs-service@list.wilmerhale.com> **On Behalf Of** Gringer, David
Sent: Tuesday, December 19, 2023 12:32 PM
To: David Copeland <dcopeland@gilbertlitigators.com>; Athanasia Karadjas <0000002bd5d5e51b-dmarc-request@LIST.WILMERHALE.COM>; 568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM
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Subject: RE: Activity in Case 1:22-cv-00125 Henry et al v. Brown University et al sealed response

Also, as you might have seen, as a courtesy to Plaintiff, we temporarily filed our discussion of [REDACTED] We are assuming that Plaintiffs' [REDACTED] did not designate this testimony as confidential out of neglect. But we do need to know today whether Plaintiffs intend to designate that testimony as confidential.

Sincerely,

David

From: Gringer, David
Sent: Tuesday, December 19, 2023 12:26 PM
To: David Copeland <dcopeland@gilbertlitigators.com>; Athanasia Karadjas <0000002bd5d5e51b-dmarc-request@LIST.WILMERHALE.COM>; 568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM
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Subject: RE: Activity in Case 1:22-cv-00125 Henry et al v. Brown University et al sealed response

David,

That is obviously false. A qualifying statement does not appear five or six pages later. You made multiple false representations in your brief. You do not know if the objecting students' families made significant donations to Penn and you do not know whether the two examples you gave are the

parents of objectors.

If you won't correct the record, we will do so and let the Court decide whether your purported qualifications were sufficient.

Sincerely,

David

From: David Copeland <dcopeland@gilbertlitigators.com>

Sent: Tuesday, December 19, 2023 12:22 PM

To: Gringer, David <David.Gringer@wilmerhale.com>; Athanasia Karadjas <0000002bd5d5e51b-dmarc-request@LIST.WILMERHALE.COM>; 568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM

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Subject: Re: Activity in Case 1:22-cv-00125 Henry et al v. Brown University et al sealed response

EXTERNAL SENDER

Dear David:

The statement that you quote out of context from Plaintiffs' Response to the Objections of 37 Donor-Related Students (ECF 561) is qualified as to Penn by the following statements in Point I.C of the Response:

[REDACTED]

The statement to which you object is also qualified by Footnote 13 of the Response, which states as follows: "Because the Court allowed counsel for the objecting students to redact the names of those students before their letters were served on Plaintiffs' counsel, Plaintiffs cannot state with certainty which of the Georgetown and Penn students to whom FERPA notices were sent actually filed objections, and which did not. (In contrast, all 10 Cornell students filed objections). Under these circumstances, Plaintiffs have made the reasonable deduction that students from the wealthy Georgetown and Penn donor-families described above were "likely" among those who hired counsel to assist in the preparation and filing of their objections."

In response to your 10:42 AM email, Footnote 13 also explains the basis for the statements quoted above concerning the [REDACTED] and [REDACTED] families.

Given these clarifications as to Penn donors and their families, Plaintiffs see no reason to file a corrected brief. At the very most, Plaintiffs would consider filing a short pleading with the Court reciting the statements quoted above.

Regards,

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From: 'Gringer, David' via 568_litigation <568_litigation@gilbertlitigators.com>
Date: Tuesday, December 19, 2023 at 10:42 AM
To: Athanasia Karadjas <0000002bd5d5e51b-dmarc-request@LIST.WILMERHALE.COM>, 568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM <568GROUP-DEFS-SERVICE@LIST.WILMERHALE.COM>
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In addition, please provide your basis for suggesting that [REDACTED] and [REDACTED] were “likely” objectors on the same timeframe.

Sincerely,

David

From: Gringer, David
Sent: Tuesday, December 19, 2023 9:56 AM
To: Athanasia Karadjas <0000002bd5d5e51b-dmarc-request@LIST.WILMERHALE.COM>; 568GROUP-DEFS-SERVICE@list.wilmerhale.com
Cc: 568 Litigation <568_Litigation@fnf.law>; 568_Litigation@gilbertlitigators.com
Subject: RE: Activity in Case 1:22-cv-00125 Henry et al v. Brown University et al sealed response

Dear Plaintiffs’ Counsel,

Please provide, by no later than Noon ET the factual basis as it relates to Penn for the following statement in your motion filed last night: “The FERPA Defendants have each received substantial donations from the families of the students who have filed objections to the production of their FERPA-protected records.” If, as is almost certainly true, you have no basis for that statement as to Penn, you must *immediately* file a corrected brief, with mutually agreed-upon language no later than 5PM ET today.

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From: owner-568group-defs-service@list.wilmerhale.com <owner-568group-defs-service@list.wilmerhale.com> **On Behalf Of** Athanasia Karadjas
Sent: Monday, December 18, 2023 11:42 PM
To: 568GROUP-DEFS-SERVICE@list.wilmerhale.com
Cc: 568 Litigation <568_Litigation@fnf.law>; 568_Litigation@gilbertlitigators.com
Subject: FW: Activity in Case 1:22-cv-00125 Henry et al v. Brown University et al sealed response

EXTERNAL SENDER

Counsel,

Please see attached documents that were filed under seal.

Thank you,

Athanasia Karadjas
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From: "usdc_ecf_ilnd@ilnd.uscourts.gov" <usdc_ecf_ilnd@ilnd.uscourts.gov>
Date: Monday, December 18, 2023 at 11:38 PM
To: "ecfmail_ilnd@ilnd.uscourts.gov" <ecfmail_ilnd@ilnd.uscourts.gov>

Subject: Activity in Case 1:22-cv-00125 Henry et al v. Brown University et al sealed response

[EXTERNAL SENDER]

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United States District Court

Northern District of Illinois - CM/ECF NextGen [1.7.1.1](#)

Notice of Electronic Filing

The following transaction was entered by Normand, Edward on 12/18/2023 at 10:37 PM CST and filed on 12/18/2023

Case Name: Henry et al v. Brown University et al

Case Number: [1:22-cv-00125](#)

Filer: Andrew Corzo
Sia Henry
Alexander Leo-Guerra
Michael Maerlander
Brandon Piyevesky
Benjamin Shumate
Brittany Tatiana Weaver
Cameron Williams

Document Number: [561](#)

Docket Text:

SEALED RESPONSE by Andrew Corzo, Sia Henry, Alexander Leo-Guerra, Michael Maerlander, Brandon Piyevesky, Benjamin Shumate, Brittany Tatiana Weaver, Cameron Williams to sealed document[509], sealed document[507], sealed document[496] (Attachments: # (1) Exhibit A, # (2) Exhibit B, # (3) Exhibit C, # (4) Text of Proposed Order)(Normand, Edward)

1:22-cv-00125 Notice has been electronically mailed to:

Alan Schoenfeld Alan.Schoenfeld@wilmerhale.com, whdocketing@wilmerhale.com